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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

POND, ROBERT M

ART UNIT PAPER NUMBER

3625

DATE MAILED: 01/12/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/466,236

Applicant(s)

PARTOVI ET AL.

Examiner

Robert M. Pond

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 19 October 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-53 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-53 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### *Response to Amendment*

The Applicant filed a Request for Continued Examination under 37 CFR 1.114. Arguments were presented by the Applicant to all pending claims (1-53) were examined in this non-final Office Action.

### *Response to Arguments*

#### Rejection under 35 USC 103(a)

Applicant's arguments, see Remarks, filed 19 October 2004, with respect to the rejection(s) of Claims 1-3, 5-7, 11-15, 17, 19-21, 23-25, 36, 38, 40, 41, and 45-53 under 35 USC 103(a) have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made based on Voice Commerce in view PR Newswire. Voice Commerce relies upon a previously cited collection of non-patent literature references that now includes an additional reference that clearly discloses support for a single voice command model, and discloses the use of BroadVision's One-to-One web commerce application being adapted to support voice commerce and web commerce users.

The Applicant argues the following:

- Motivation to combine: Previously cited PR Newswire teaches BroadVision's patent for its One-to-One commerce application. Voice

Commerce provides an obvious motivation to combine with PR Newswire with anticipation of success, and Voice Commerce in combination with PR Newswire discloses, teaches, and/or suggests subject matter of Claims 1-3, 5-7, 11-15, 17, 19-21, 23-25, 36, 38, 40, 41, and 45-53. Arguments for all dependent claims are based on arguments applicable to the independent claims. The Examiner respectfully disagrees with the Applicant regarding dependents as being allowable for the same reasons as noted above.

- Unconsolidated merchants

Voice Commerce and PR Newswire teach BroadVision's commerce application servicing at least one merchant, an electronic mall with multiple storefronts, and further teaches merchants desiring to retain their legacy electronic storefronts. Examiner's interpretation: multiple single merchants can each implement BroadVision's commerce application or multiple merchants can be aggregated in an electronic mall while each retains independence from other merchant.

- Providing a uniform interface

Voice Commerce and PR Newswire teach providing a uniform interface regardless of the merchant's commerce model. Sufficient reference is cited to support merchants desiring to maintain their commerce models while presenting a single interface to the customer. Voice Commerce teaches users simply saying what they want without

having to learn to use new technologies or devices (Paper #18, U: page 2). Voice Commerce and PR Newswire further teach the application architecture enabling end-users to receive consistent functionality and service through whatever interface they choose, a common set of business rules, application programming interfaces, and transaction middleware. Examiner's interpretation: Uniformity.

- *Single Command Model*

Voice Commerce and PR Newswire teach the heart of Nuance's voice commerce applications being VoxML requiring only simple voice commands from users to conduct electronic commerce transactions over the telephone or other connected devices.

*Rejection under 35 USC 103(a)*

Applicant's arguments, see Remarks, filed 19 October 2004, with respect to the rejection(s) of Claims 4, 22, and 39 under 35 USC 103(a) have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made based on Voice Commerce in view PR Newswire further in view of Official Notice (admitted as prior art in Paper #21). Voice Commerce relies upon a previously cited collection of non-patent literature references that now includes an additional reference that clearly discloses support for a single voice command model, and discloses the use of BroadVision's One-to-One web commerce application being

adapted to support voice commerce and web commerce users. Previously cited PR Newswire teaches BroadVision's patent for its One-to-One commerce application. Voice Commerce provides an obvious motivation to combine with PR Newswire with anticipation of success, and Voice Commerce in combination with PR Newswire and Official Notice discloses, teaches, and/or suggests subject matter of Claims 4, 2, and 39.

Rejection under 35 USC 103(a)

Applicant's arguments, see Remarks, filed 19 October 2004, with respect to the rejection(s) of Claims 8-10, 26-35, 37, and 42-44 under 35 USC 103(a) have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made based on Voice Commerce in view PR Newswire further in view of Business Wire. Voice Commerce relies upon a previously cited collection of non-patent literature references that now includes an additional reference that clearly discloses support for a single voice command model, and discloses the use of BroadVision's One-to-One web commerce application being adapted to support voice commerce and web commerce users. Previously cited PR Newswire teaches BroadVision's patent for its One-to-One commerce application. Voice Commerce provides an obvious motivation to combine with PR Newswire with anticipation of success, and Voice Commerce in combination with PR Newswire and Business Wire discloses, teaches, and/or suggests subject matter of Claims 8-10, 26-35, 37, and 42-44.

Rejection under 35 USC 103(a)

Applicant's arguments, see Remarks, filed 19 October 2004, with respect to the rejection(s) of Claims 16 and 18 under 35 USC 103(a) have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made based on Voice Commerce in view PR Newswire further in view of Official Notice (admitted as prior art in Paper #21). Voice Commerce relies upon a previously cited collection of non-patent literature references that now includes an additional reference that clearly discloses support for a single voice command model, and discloses the use of BroadVision's One-to-One web commerce application being adapted to support voice commerce and web commerce users. Previously cited PR Newswire teaches BroadVision's patent for its One-to-One commerce application. Voice Commerce provides an obvious motivation to combine with PR Newswire and Official Notice with anticipation of success, and Voice Commerce in combination with PR Newswire and Official Notice discloses, teaches, and/or suggests subject matter of Claims 16 and 18.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. **Claims 1-3, 5-7, 11-15, 17, 19-21, 23-25, 36, 38, 40, 41, and 45-53 are rejected under 35 USC 103(a) as being unpatentable over Voice Commerce (a collection of articles cited in Paper #18, PTO-892, Items: U-X and VV, and PTO-892, Item: U, hereinafter referred to as "VC"), in view of in view of PR Newswire (Paper #18, PTO-892, Item: UU).**

VC teaches voice commerce (v-commerce) taking electronic commerce to the next level by adding the ability to complete any or all of the three phases of a transaction- -the shopping or information gathering, purchase, and post sales actions such as order status and support- -by speaking over a telephone or other connected device to an automated speech recognition system. VC teaches v-commerce making it easy to use- -users simply say what they want without having to learn to use new technologies or devices (Paper #18, U: see at least page 4) and providing voice commands over telephones for transactions now conducted on the Web using browsers (W: see at least page 1). VC teaches Motorola's VoxML being at the heart of v-commerce that simplifies embedding



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speech into web pages and can be used in call center or computer telephony applications (Paper #18, V: see at least page 1). VC teaches further teaches:

- Providing a single command commerce model: complete transactions for equities and mutual funds over the telephone, obtain status; natural language speech recognition (#18, U: see at least page 1); VoxML (based on HTML or hypertext markup language) lets people use telephones and simple voice commands to get information from the Internet (please note examiner's interpretation: i) single words like "Buy" or "Sell" are simple and single voice commands, ii) natural language speech recognition recognizes single voice commands) (U: see at least page 1).
- Receiving an audio purchase requests over the telephone interface: IVR and telephony platforms (please note: IVR is an acronym for Interactive Voice Response); customer voice interface functionality (e.g. voice in/out, voice in/web or device out) involving dialogue over the phone with a stand-alone speech system or integrated business server with services accessible over the phone or over the Web (#18, U: see at least page 3).

VC teaches all the above as noted under the 103(a) rejection and further teaches a) BroadVision's participating in v-commerce with Motorola, Visa International, and Nuance Communication (#18, U: see at least page 1; #18, W: see at least page 1; #18, X: see at least page 1), b) BroadVision adapting its One-to-One server with speech recognition technology (#18, W: see at least

page 1; #18, X: see at least page 2), and c) the combination of BroadVision and Nuance providing customer self-service transactions from the most convenient device, whether it be a web browser or a telephone and extending the benefits of personalized services to 800 million telephones and other connected devices (#18, X: see at least page 2). VC, however, does not disclose specifics about BroadVision's One-to-One electronic commerce application. PR Newswire teaches BroadVision being issued US Patent No. 5,710,887 (hereinafter referred to as Chelliah, previously cited in Paper #18, PTO-892) covering its One-to-One electronic commerce application. Chelliah teaches facilitating electronic commerce over the Internet between a plurality of customers, suppliers, and third-party commerce enablers using a variety of communication devices (see at least abstract; Fig. 2 (10); col. 3, line 5 through col. 5, line 3). Chelliah teaches the electronic mall server acting as the storefront server for at least one merchant or connecting to at least one merchant legacy system desiring to retain its proprietary storefront (please note examiner's interpretation: legacy systems act as the second computer system as claimed by the Applicant) (see at least col. 7, lines 53-63). Chelliah further teaches:

- Responsive to purchase requests: electronic mall communicating with a user making product selections and purchases via a user interface capable of reproducing to audio information to a human being (e.g. touch tone telephone); customers initiate Internet-based commerce sessions with an electronic storefront or a variety storefronts via a web server,

request product information, purchase requested items, make payments, and provide shipping information for delivery (see at least Fig. 1 (10); col. 3, lines 5-14; col. 6, lines 4-57).

- o *Sending a first request to the second computer system over the Internet:* through the user interface, a participant program object communicates a request with a sales representative program object or customer monitoring object which is communication with the commerce server and legacy systems (see at least col. 3, lines 29-45; col. 9, line 62 through col. 10, line 5).
- o *Receiving a first response from the second computer:* through the user interface, a participant program object receives a response from the sales representative program object in communication with the mail server and legacy system (see at least col. 10, line 56 through col. 11, line 3).
- o *Providing a confirmation over the user interface:* confirms to the customer the order was processed (see at least col. 4, lines 27-29).
- o *Sending a second request to the second computer system over the Internet:* through the user interface, a participant program object communicates a purchase request with a sales representative program object or customer monitoring object which is communication with the commerce server and legacy systems (see at least Fig. 7 (170); col. 9, line 62 through col. 10, line 5).

- Receiving a second response from the second computer: confirms to the customer through the user interface the purchase request was processed (see at least col. 4, lines 27-29).
- Providing user profile information: (see at least col.9, line 62 through col. 10, line 2; col. 12, line 40).
- Generating receipts: through the user interface, a participant program object communicates a receipt to the customer (see at least col. 12, line 66 through col. 13, line 3).
- Selecting a merchant storefront: customer selects at least one merchant storefront (see at least abstract; col. 3, lines 29-33).
- Providing selection list: (see at least col. 3, lines 46-56; col. 12, lines 43-50;
- Requiring passwords: (see at least col. 10, lines 27-30).
- Computer system and means: (see at least col. 3, lines 30-45); product databases for viewing and comparing items, secure transaction processing, HTML, Internet protocol, participant program object that contains profile data and demographic data that is used in various phases of a purchase transaction (see at least Fig. 11 (264); col. 9, line 62 through col. 10, line 30; col. 22, lines 9-63).

Therefore it would have been obvious to one of ordinary skill in the art at time of the invention to modify the system and method of VC to implement BroadVision's One-to-One web commerce application features and functionality

as taught by Chelliah, in order to extend the benefits of personalized web-based services to 800 million telephones and other connected devices, and thereby increase sales for the electronic commerce service.

- 2. Claims 4, 22, and 39 are rejected under 35 USC 103(a) as being unpatentable over VC (a collection of articles cited in Paper #18, PTO-892, Items: U-X and VV, and PTO-892, Item: U), and PR Newswire (Paper #18, PTO-892, Item: UU), as applied to Claims 2, 20, and 36, further in view of Official Notice (Paper #18, regarding old and well-known as admitted prior art in Paper #21 hereinafter referred to as "ON1").**

VC and PR Newswire teach all the above as noted under the 103(a) rejection and teach telephony platforms, but do not specifically disclose using a telephone directory for a reverse lookup for identifying information. The Examiner takes the position that conducting a reverse directory lookup based on telephone numbers to extract customer identifying information is old and well known in the telecommunications industry. Therefore would have been obvious to one of ordinary skill in the art at time of the invention to modify the system and method of VC and PR Newswire to include reverse directory lookup as taught by ON1, in order to provide another approach to cross-referencing customer identifying information, and thereby provide a customer convenience.

3. **Claims 8-10, 26-35, 37, and 42-44 are rejected under 35 USC 103(a) as being unpatentable over VC (a collection of articles cited in Paper #18, PTO-892, Items: U-X and VV, and PTO-892, Item: U), and PR Newswire (Paper #18, PTO-892, Item: UU), as applied to Claims 1, 19, and 36, further in view of Business Wire (Paper #18, PTO-892, Item: WW).**

VC and PR Newswire teach all the above as noted under the 103(a) rejection and teach BroadVision's secure transactions, secure payment systems, and connecting to web servers with web browsers, but do not disclose one or more of HTTP, SSL and HTTPS. Business Wire teaches Internet commerce leader BroadVision using SSL and SET (Secure Electronic Transaction) security protocols. Therefore it would have been obvious to one of ordinary skill in the art at time of the invention to modify the system and method of VC and PR Newswire to include industry standard security protocols as taught by Business Wire, in order to ensure secure interoperability between commerce systems.

*Pertaining to system Claims 29-35*

Rejection of Claims 29-35 is based upon the same rationale as noted above.

4. **Claims 16 and 18 are rejected under 35 USC 103(a) as being unpatentable over VC (a collection of articles cited in Paper #18, PTO-892, Items: U-X and VV, and PTO-892, Item: U) and PR Newswire (Paper #18, PTO-892, Item: UU), as applied to Claim 1, further in view of Official Notice**

**(Paper #18, regarding well within the skill as admitted prior art from Paper #21 hereinafter referred to a "ON2").**

VC and PR Newswire teach all the above as noted under the 103(a) rejection and teach using a touch-tone telephone as a user interface, but do not disclose decoding touch-tone signals. It would have been obvious to one of ordinary skill in the art at time of the invention to modify the system and method of VC and PR Newswire to disclose decoding touch-tone signals, since it is well within the skill to ascertain that touch-tone telephones transmit signals that require decoding in order to determine which telephone key has been activated by the user.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Mr. Robert M. Pond** whose telephone number is 703-605-4253. The examiner can normally be reached Monday-Friday, 8:30AM-5:30PM Eastern.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Ms. Wynn Coggins** can be reached on 703-308-1344.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the **Receptionist** whose telephone number is **703-308-1113**.

Any response to this action should be mailed to:

***Commissioner of Patents and Trademarks***

***Washington D.C. 20231***

or faxed to:

**703-872-9306** (Official communications; including After Final communications labeled "Box AF")

Hand delivered responses should be brought to Crystal Park 5, 2451 Crystal Drive, Arlington, VA, 7<sup>th</sup> floor receptionist.

A handwritten signature in black ink, appearing to read 'Robert M. Pond', is written over a horizontal line.

Robert M. Pond  
Primary Patent Examiner  
January 7, 2005